



## **STUDENT REVIEW PROCEDURES FOR RE-CREDITING A FEE-HELP BALANCE AND REFUND OF FEES**

### **Purpose**

To ensure that all AIB Domestic Students are able to obtain a re-credit of their Fee Help balance or a refund of their fees in accordance with the relevant legislation.

### **Scope**

This policy applies to all AIB Domestic Students who are studying via online learning directly with AIB only.

### **Definitions**

Unless otherwise defined in this document, all capitalised terms are defined in the [glossary](#).

### **1. Details**

- 1.1 AIB will implement this procedure in compliance with the *Higher Education Support Act 2003* and the *Higher Education Provider Guidelines*.
- 1.2 AIB will:
  - (a) set an Administrative Date for each subject no earlier than 21 days before the start date of that subject;
  - (b) set a Census Date for each subject that is no earlier than 20% of the way through the subject;
  - (c) ensure that all students are informed of the Census Date for each subject in the manner and by the date prescribed in the Higher Education Provider Guidelines;
  - (d) ensure that all students are informed of the review procedures for the re-crediting of a FEE-HELP balance.
- 1.3 A student who withdraws from a subject on or before the published Census Date for that subject will not incur a FEE-HELP debt for that subject.
- 1.4 A student who withdraws from a subject after the published Census Date for that subject will incur a FEE-HELP debt for that subject and any course fees paid for that subject will not be refunded.
- 1.5 A student who has incurred a FEE-HELP debt for a subject may apply to have their FEE-HELP balance re-credited (and any course fees for a subject paid by the student to be refunded) for the affected subjects in accordance with the following procedure.
- 1.6 Notwithstanding anything contained herein to the contrary, this procedure is subject to the Domestic Online Learning Student Refund Policy and if there is any inconsistency between any term in this procedure and the policy, the term in the Domestic Online Learning Student Refund Policy shall prevail to the extent of that inconsistency.

## 2. Special circumstances

- 2.1 If a student withdraws from a subject after the Census Date for that subject, or has been unable to successfully complete a subject, and believes this was due to special circumstances then the student may apply to have their FEE-HELP balance re-credited for the affected subjects (and course fees paid for those subjects to be refunded).
- 2.2 AIB will re-credit the student's FEE-HELP balance (and refund the course fees paid) for that subject if it is satisfied that special circumstances apply that:
  - (a) are beyond the student's control; and
  - (b) did not make their full impact on the student until on or after the Census Date for the subject(s) of study in question; and
  - (c) make it impractical for the student to complete the requirements for the subject(s) of study in question.
- 2.3 AIB will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.
- 2.4 Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.
- 2.5 Initial applications for the re-crediting of a student's FEE-HELP balance are to be submitted to the Student Operations Manager, 27 Currie Street Adelaide SA 5000 or [studentadmin@aib.edu.au](mailto:studentadmin@aib.edu.au).
- 2.6 The procedure for the re-crediting of a FEE-HELP balance (and refund of course fees paid) for a subject is as follows:
  - (a) when a student withdraws from a subject, AIB shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
  - (b) when a student fails to meet the requirements of a subject, AIB shall confirm the failure by giving notice to the student in writing of the final result for that subject after results for the subject have been properly approved;
  - (c) the student must apply in writing to the Student Operations Manager within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the subject. AIB may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12-month period;
  - (d) The Student Operations Manager will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case;
  - (e) If the application is successful, AIB will re-credit the student's FEE-HELP balance with an amount equal to the amounts of FEE-HELP assistance that the student has received for the affected subjects and the student's FEE-HELP debt for those subjects will be removed, and if any course fees have been paid for that subject that amount will be refunded;
  - (f) The Student Operations Manager shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;

- (g) The Student Operations Manager shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome and that a request for such a review must be lodged within 28 days from the day of receipt of the decision or such longer period as the Student Operations Manager allows.

### **3. Review of a decision**

- 3.1 If a student is not satisfied with the decision made by the Student Operations Manager in relation to re-crediting their FEE-HELP balance (and refund of course fees paid) for a subject they may request a review of the decision.
- 3.2 The review shall be carried out by the Review Officer who is the Principal and is senior to the original decision maker.
- 3.3 Any such request must be submitted to the Review Officer in writing and:
  - (a) must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
  - (b) must specify the reasons for making the request and include any supporting documentation; and
  - (c) sent to: 27 Currie Street, Adelaide, South Australia, 5000 or by email to studentadmin@aib.edu.au
- 3.4 The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance (and refund of course fees paid) for a subject in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal within 28 days of a decision for a review of that decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.
- 3.5 The Review Officer shall:
  - (a) seek all relevant information from the person who made the original decision;
  - (b) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.
- 3.6 The Review Officer may:
  - (a) confirm the decision;
  - (b) vary the decision; or
  - (c) set the decision aside and substitute a new decision.
- 3.7 The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to the Administrative Appeals Tribunal within 28 days of receiving the written advice of a decision for a review of that decision and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal as follows:

*If you wish to further appeal this decision you may lodge an appeal with the Administrative Appeals Tribunal (AAT). You may have to pay an*

*application fee of \$920 (as at 10 September 2018). This fee is subject to change and you should confirm the fee before you lodge an application. Your application cannot proceed until you pay the application fee or the fee has been waived. If you want to apply to have the fee waived, you will need to make an application for fee waiver to the AAT. The contact details for the AAT are:*

*Administrative Appeals Tribunal  
11th Floor, Chesser House  
91 Grenfell Street  
Adelaide SA 5000  
Telephone (08) 8201 0600*

- 3.8 Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal within 28 days for consideration of AIB's decision to refuse to re-credit their FEE-HELP balance (and refund of course fees paid) for a subject. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to AIB either in the original application or the request for review.
- 3.9 The Secretary of Department of Education (DE), or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon DE's receipt of a notification from the AAT, DE will notify AIB that an appeal has been lodged. Upon receipt of this notification from DE, the Review Officer will provide DE with copies of all the documents they hold that are relevant to the appeal within five (5) business days.
- 3.10 This *Student Review Procedures for Re-crediting a FEE-HELP Balance* is available on AIB's website ([www.aib.edu.au](http://www.aib.edu.au)).

**Related Forms:**

Application for Consideration of Special Circumstances Form

**Related Policies:**

Domestic Online Learning Student Refund Policy

**Responsibility:**

Student Operations Manager

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